

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 27-43 are pending in this application.

Claims 27-28, 31-32, 36-38 and 41-43 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,275,945 issued to Tsuji et al (hereinafter referred to as "Tsuji").

Claims 29, 33-34 and 39-40 were rejected under 35 U.S.C. §103(a) as being considered unpatentable over Tsuji in view of U.S. Patent No. 6,255,622 issued to May et al (hereinafter referred to as "May").

Claims 30 and 35 were rejected under 35 U.S.C. §103(a) as being considered unpatentable over Tsuji in view of U.S. Patent No. 6,453,378 issued to Olson et al (hereinafter referred to as "Olson").

Claims 27-29, 32-34 and 38-39 have been amended.

No claims have been cancelled.

No claims have been added.

Acceptance of Originally Filed Drawings

Applicant gratefully acknowledges that the Examiner has accepted the originally filed drawings.

35 U.S.C. §102(e) Rejection of Claims 27-28, 31-32, 36-38 and 41-43

The Examiner has rejected claims 27-28, 31-32, 36-38 and 41-43 under 35 U.S.C. §102(e) as being considered to be anticipated by Tsuji. However, Applicant respectfully submits that these claims are not anticipated by Tsuji, because Tsuji does not teach each and every element of Applicant's invention as claimed.

Regarding claims 27, 32 and 38, Tsuji does not teach that the computer cooler has a controller that receives a command (or more generally, receiving a command) from a portable computer indicating the desired degree of cooling, and to control the cooling system to ensure that the desired degree of cooling is achieved. Communication controller 52, to which the Office Action refers, receives only a "temperature detection signal" output by temperature sensor 45 of Tsuji only "when the ambient temperature exceeds a predetermined value" (lines 63-65 of column 7 of Tsuji). This temperature detection signal of Tsuji is, therefore, an indication only that a limit value of temperature has been exceeded, and is not a command indicating a desired degree of cooling to communication controller 52.

Regarding claim 28, Applicant respectfully submits that the assertion in the Office Action that Tsuji teaches a temperature sensor to monitor at least one component of the cooling system is in error. A reading of lines 60-66 of column 6 of Tsuji referred to in the Office Action reveals that "temperature sensor 45 is a sensor for detecting mainly ambient temperature of CPU 15" in Tsuji, not a component of the cooling system, as recited in Applicant's claimed invention. Indeed, a reading of Tsuji also reveals that the temperature sensor in Tsuji is located within the computer main body of Tsuji, where the temperature sensor has no access to any component of the cooling system within the expanded unit 2 of Tsuji.

Regarding claims 37 and 43, despite the assertion in the Office Action that Tsuji inherently shows of a feature of at least one component comprising a portable computer being enabled when the portable computer is being cooled, Applicant respectfully submits that a reading of Tsuji reveals no teaching of any such enabling of a feature of a component of a portable computer when the portable computer is in contact with a cold plate, either with reference to Figure

7 or elsewhere within Tsuji. A reading of the text corresponding to Figure 7 of Tsuji reveals only a teaching of the effect of bringing a portable computer into contact with a cold plate being that a portable computer operates in "full power mode" which is defined in lines 58-67 of column 5 of Tsuji as CPU 15 being able to operate at a faster speed. Applicant further respectfully submits that as indicated in Applicant's specification, the change in speed of a component, such as CPU 15 in Tsuji, is different from enabling a feature within a component, and nowhere in Tsuji is there a mention of a feature being enabled or disable within CPU 15 in Tsuji.

Regarding claims 31, 36 and 41-42, claim 31 depends from independent claim 27, claim 36 depends from independent claim 32, and claims 41 and 42 depend from independent claim 38, and Applicant has asserted that independent claims 27, 32 and 38 are patentably distinguished over Tsuji.

For at least these reasons, Applicant respectfully submits that claims 27-28, 31-32, 36-38 and 41-43 are patentably distinguished over Tsuji.

35 U.S.C. § 103(a) Rejection of Claims 29, 33-34 and 39-40

The Examiner has rejected claims 29, 33-34 and 39-40 under 35 U.S.C. §103(a) as being unpatentable over Tsuji in view of May.

Regarding all of claims 29, 33-34 and 39-40, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03). Applicant respectfully submits that neither Tsuji nor May teach or suggest all the features of Applicant's invention as claimed. Specifically, neither Tsuji nor May teach or suggest a controller within a computer cooler (though none of claims 29, 33-34 and 39-40 specify the location of the controller as being within a computer cooler, their parent claims do) that

monitors the temperature of a component of a computer cooler, including a cold plate. As earlier discussed, Tsuji teaches a communications controller receiving a temperature detection signal that indicates that the ambient temperature of a CPU within a portable computer has been exceeded. Also, May teaches a control logic 20 within notebook computer 10 of May that is connected to a thermal sensor 26 that detects the surface temperature of an external surface, not a controller within a computer cooler to which notebook computer 10 would be put into contact to be cooled. Indeed, there is no teaching or suggestion in May of a computer cooler, at all. Given that neither Tsuji nor May teach or suggest a controller in a computer cooler monitoring the temperature of a cold plate (or any other component) of a computer cooler, there can be no combination of Tsuji and May that teaches such a controller in a computer cooler that to carry out such monitoring.

Also, Applicant respectfully submits that there is no teaching or suggestion to combine Tsuji or May in any way. Tsuji teaches an expanded unit that provides cooling to a portable computer placed into contact with the expanded unit for purposes of allowing the CPU of the portable computer to be operated at a higher speed. In contrast, May teaches a notebook computer having a sensor to monitor the surface temperature of an external surface into which the notebook computer may come into contact to determine if the notebook computer is emitting an uncomfortable or unsafe amount of heat to that surface, and to limit the speed of a heat producing component within that notebook, such as a processor, if the temperature of the external surface is found to have become excessive. In short, Tsuji teaches cooling a portable computer to allow the speed of a CPU to be increased, while May teaches decreasing the speed of a component, such as a processor, if the heat emitted by a notebook computer becomes excessive. Applicant respectfully submits that Tsuji and May

seek to achieve opposing goals, and so there can be no teaching or suggestion to combine Tsuji and May, regardless of whether or not such a combination would teach or suggest all the features of Applicant's claimed invention.

Furthermore, claim 29 depends from dependent claim 28 and independent claim 27, claims 33-34 depend from independent claim 32, and claims 39-40 depend from independent claim 38, and therefore, incorporate all of the limitations of their respective base claims and any intervening claims, all of which Applicant has previously asserted are patentably distinguished over Tsuji.

For at least these reasons, Applicant respectfully submits that claims 29, 33-34 and 39-40 are patentably distinguished over any possible combination of Tsuji and May.

35 U.S.C. § 103(a) Rejection of Claim 30 and 35

The Examiner has rejected claims 30 and 35 under 35 U.S.C. §103(a) as being considered to be unpatentable over Tsuji in view of Olson.

Applicant respectfully submits that claims 30 and 35 depend from independent claims 27 and 32, respectfully, and therefore, incorporate all of the limitations of their respective base claim, both of which Applicant has previously asserted are patentably distinguished over Tsuji.

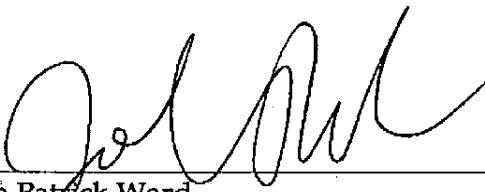
For at least this reason, Applicant respectfully submits that claims 30 and 35 are patentably distinguished over any possible combination of Tsuji and Olson.

Condition for Allowance

Applicant submits that with cancellation of the original claims and the addition of new claims that more particularly point out and distinctly claim that which Applicant regards as the invention, all rejections have been overcome and the present application is now in condition for allowance. If there are any additional charges or shortages related to the present communication, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



John Patrick Ward  
Reg. No. 40,216

Dated: December 31, 2003

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8598